



Perspective on Impacts and Mitigation - CEQA and Other State Laws

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Reducing Project Impacts

Step-wise Process

- Avoidance – Project Siting and Design
- Minimization – Turbine Design and Operational
- Compensation – Actions to “offset” any remaining impacts: Typically habitat protection, enhancement or restoration
- Monitoring to Ensure Goals are Met.

Pre-Permitting Assessment

Essential Information for Screening Potential Biological Impacts, Impact Assessment, CEQA Determinations

- Species utilizing site and vicinity
- Presence of any listed species or other special status species.
- Magnitude of bird use at site
- Guidelines should discuss assessment methods and protocols and recommend a standardized approach

State Laws Relating to Wildlife Protection

- California Fish and Game Code § 3503.5
Falconiformes and Strigiformes
- California Fish and Game Code § 3511
“Fully Protected Birds”
- California Fish and Game Code § 3513
MTBA
- California Fish and Game Code § 3800
Non-Game Birds

Fully-Protected Birds

(F&G Code §3511)

American peregrine
falcon

Brown pelican

California black rail

California clapper rail

California condor

California least tern

Golden eagle

Greater sandhill crane

Light-footed clapper rail

Southern bald eagle

Trumpeter swan

White-tailed kite

Yuma clapper

Federal Laws Relating to Wildlife Protection

- Federal Endangered Species Act (FESA)
- Migratory Bird Treaty Act (MTBA)
- Bald Eagle Protection Act

Use of Compensatory Mitigation

- CEQA – Mitigate significant impacts to a level of “less than significant”
- CESA – Achieve “full mitigation standard”
- Compliance with State Wildlife Laws –
Compensate or “offset” impacts that remain after avoidance and minimization to achieve “no net loss”

DFG Role - CEQA

- Consult with lead agencies on projects as required.
- Develop and recommend mitigation measures as appropriate for the resources with its purview
- Provide public comment and testimony during the CEQA Process
- Responsible Agency if additional CDFG approvals are required

DFG Role - CESA

- Lead Permitting Agency for “Incidental Take” of State-listed Species
- Assessment of “Jeopardy”
- Projects Effects must be “Minimized and Fully Mitigated”
- CEQA Compliance for Permit Issuance –
 - Responsible Agency
 - State Lead Agency

DFG Role - Other Wildlife Laws

- State Trustee for Fish, Wildlife and Their Habitats
- Preserve, Restore, Protect and Enhance the State's wildlife resources to maintain their ecological values and to ensure continued use and enjoyment by the public
- Public Education, Scientific Expertise
- Work Cooperatively with Project Proponents to reduce and/or offset project effects
- Enforce Violations of State Law

Post-Project Monitoring

- Operational Monitoring is Essential to:
 - Validate and Confirm Impact Estimates
 - Evaluate Success of Avoidance and Minimization Measures
 - Provide Feedback to Operational Planning
- Monitoring of Compensatory Mitigation also Required to Evaluate Success

Proposed Guidelines

- Discuss the Framework of State Law to be Considered
- Provide Recommendations for Site Assessment Methodology, both Pre- and Post-Project
- Identify the Types of Impacts that Should be Assessed and Provide a Decision Framework and/or Tools for Performing the Assessments
- Identify Potential Options for Compensatory Mitigation that Ensure Bird and Bat Protections and a Decision Framework for Application